

MINUTES
NEVADA HOMELAND SECURITY COMMISSION
WEDNESDAY, NOVEMBER 5, 2003 - 11:00 A.M. - 2:30 P.M.

COMMISSION MEMBERS IN ATTENDANCE: Lt. John Alamshaw, Sheriff Dennis Balaam, Mr. Richard Brenner, Chairman Jerry Bussell, Mr. Tod Carlini, Dr. Dale Harrison, Mr. Robert Fisher, Mr. Robert Hadfield, Vice-Chairman Jerry Keller, Ms. Ellen Knowlton, Ms. Maria Lipscomb, Mr. Michael Mayberry, Ms. Kimberly McDonald, Ms. Maureen Peckman, Mr. Jack Staley, General Giles Vanderhoof, Judge Larma Volk, Sheriff William Young

LEGISLATIVE MEMBERS IN ATTENDANCE: Senator Dennis Nolan and Assemblyman William Horne

COMMISSION MEMBERS ABSENT: Mayor Robert Cashell, Mr. Doyle Sutton, and Mr. Lawrence Weekly

AGENDA ITEM #1: **CALL TO ORDER/OPENING REMARKS**

The first meeting of the Nevada Homeland Security Commission was called to order at 11:05a.m. by Chairman Jerry Bussell. Chairman Bussell made congratulatory remarks to commissioners for accepting their positions on the Commission and stated he felt the responsibilities of the position would include oversight, resourcing, and funding of agencies. Also, first responder's responsibilities are to prevent, protect, and respond to terrorism incidents

AGENDA ITEM #2: **INTRODUCTIONS-VICE CHAIRMAN, COMMISSIONERS**

All of the Commission members introduced themselves and provided information on their backgrounds. Chairman Bussell stated he felt the Commission's focus is on terrorism. The Commission's responsibility involves prevention, protection against, and consequence management, if necessary, of terrorism.

AGENDA ITEM #3: **RECOMMENDATIONS ON AB441-DEPUTY ATTORNEY GENERAL GLADE MYLER**

Mr. Myler introduced himself and stated that should someone sue the Commission or any commissioner individually, it is the responsibility of the Attorney General and the Attorney General's office to defend those actions. Mr. Myler proceeded to answer questions and discuss concerns regarding AB441.

-Summary/Overview of AB 441

- Section. 2, Subsection 6: provides Commission objectives
- Homeland Security Commission is responsible for having sub-committees on certain issues; Myler will make recommendations on what sub-committees the Commission should have in place
- Section 17, Subsection 1-8: outlines Commission tasks

- Section 21: confidentiality of documents-the Commission can maintain confidentiality of certain security-sensitive documents
- Governor determines and classifies documents as confidential.
- The Commission needs to provide Governor's legal counsel Keith Munro with guidelines/criteria by which he can classify certain security-sensitive documents.

Further discussion ensued regarding classifying certain security-sensitive documents. Mr. Myler has spoken with Mr. Gordon Deckman, Information Technologies Bureau, Las Vegas Metro Police Department, who is in charge of criteria for document classification and said he thought using a Tiered system like LVMPD might be beneficial. Tier 1 represents the most sensitive documents/materials. A closed meeting would be recommended. In the interim, Mr. Myler suggested that a legal opinion be requested from the Attorney General's office regarding confidentiality in relation to AB 441. Vice-Chairman Keller asked Mr. Myler to draft a letter to his superiors, asking for a legal definition of the Commission's ability to hold a closed meeting to discuss sensitive materials, at the direction of the Chairman. Vice Chairman Keller asked that Mr. Myler have the legal opinion available at the next Commission meeting.

- Section 25: Political subdivisions need to adopt and maintain a response plan. The response plan needs to be filed with the Division of Emergency Management.

Mr. Myler feels the bill is unclear about what should take place once the plans are in the possession of the Division of Emergency Management.

- Section 26 outlines the details regarding the continuation of state and local government operations in case of a major event.

While Mr. Myler agreed with Vice Chairman Keller that the Section 26 issue should be left to the Legislature, he felt that the Commission should be familiar with the section if the Legislature may ever want a recommendation from them.

- Section 27 provides mandates for public utilities to provide vulnerability assessments and emergency response plans.

Mr. Myler said that Section 27 doesn't incorporate any enforcement provisions.

Both Vice Chairman Keller and Senator Nolan stressed the importance of not overlapping the Commission's interests with another Division or Commission as such could result in duplication of efforts and unnecessary spending of taxpayers' money. Senator Nolan also said that shortfalls with the Bills should be noted and passed on to the Governor's office or the Legislature so changes can be made. Mr. Myler recommends a Legislative Sub-committee to submit proposed changes. Mr. Myler believes that AB 441 lacks an enabling section telling of the powers and authorities of the Commission. Currently the Commission does not have authority to

pass regulations. Mr. Myler suggested that in the interim, by-laws and written politics would be defensible in a court of law.

With regard to grant review, Chairman Bussell informed Mr. Myler that AB 441 does not say the Commission will review grants. Chairman Bussell wanted to make sure that the policy regarding grant review is understood immediately. Policies regarding this issue need to be put in place.

Mr. Myler was asked by Vice Chairman Keller to draft a legal opinion to clarify inherent and inferred authorities and powers Commission might have. The letter should be available to be discussed at the next meeting.

- Section 30: There must be compatible and interoperable communications within the state.

- Section 34 pertains to Department of Motor Vehicle issues.

Mr. Myler said that any concerns the Commission has with the DMV could be passed on to the Governor who, in turn, can address the DMV.

Vice Chairman Keller asked Myler if he discovered any section other than 2 and 17 that pertained directly to Nevada Homeland Security. Mr. Keller feels the Commission is designed to come together, review data, and make recommendations to the Governor and Legislature for the legislative session in 2005.

Mr. Myler wanted clarification as to whether the Commission is regulatory or a task force and Vice Chairman Keller directed this question to Assemblyman Horne and Senator Nolan, the legislators who took part in the development of the bill. Assemblyman Horne said that AB 441 originally started as a Legislative Commission. However, barring a separation of powers-the Executive Branch and Legislative Branch could not vote on a Commission. It was agreed that this would be the Governor's Commission, and it was decided that Assemblyman Horne and Senator Nolan should sit on the Commission as advisory members. He believes this is not a regulatory Commission, as it was not their intention to circumvent the legislative process. They had anticipated that they would be coming up with proposals and ideas to send back to the Governor and Legislature so corrections could be made at that level of government.

Senator Nolan agreed with Assemblyman Horne. He also said the culmination of AB 441 and AB 250 integrates a senate bill that was moving through at the same time on Homeland Security. He believes Vice Chairman Keller's assessment on the purpose of this body is accurate and feels it was intended to be an advisory committee responding back to the Governor and Legislature on actions to take. It is the legislators' intent to keep the Commission as an advisory Commission.

With that clarification, Mr. Myler said certain actions would not happen in this forum, in particular, grant application review. He felt that the Commission could advise the Governor as to how monies from the Commission are spent.

Commissioner Bill Young asked Mr. Myler to clarify Section 17, Subsection 8 as it seems the boundaries are unidentified and are an open ended invitation for the Commission to do anything deemed necessary to secure the safety of the state. Mr. Myler said the Commission must determine what direction it is going to take.

Chairman Bussell asked Mr. Myler about his review of the Hatch Act and how it applies to the Commissioners and the Commission at present. Mr. Myler spoke with the Office of Special Counsel in Washington D.C. and received a verbal opinion over the phone that if a Commissioner was not running for election at this time, then they would be okay. He will be forwarding a letter to the Office of Special Counsel requesting their written opinion on this issue and will provide that information to the Commission once he has received the opinion.

Vice Chairman Keller asked what would happen if a Commissioner filed for re-election and whether they might have to step away from the Commission to avoid violation of the Hatch Act. Mr. Myler said he could not answer that question until he received the written opinion. Senator Nolan asked for clarification on the issue, stating that the Hatch Act would affect those people running for a government position whose primary occupation is in public service. Commissioner Mike Mayberry asked for a written clarification from the Office of Special Counsel. Commissioner Kimberly Mc Donald asked for clarification on the Hatch Act as well as the regulations regarding public servants serving on the Commission.

AGENDA ITEM #4: **OVERVIEW PRESENTATION-ODP FUNDING PROGRAM,**
MR. FRANK SIRACUSA, DIRECTOR, DIVISION OF
EMERGENCY MANAGEMENT

Mr. Siracusa introduced himself as the Director of the Division of Emergency Management (DEM) and said he would review the Office of Domestic Preparedness (ODP) programs and explain how the previous committees and funding related to the Commission. He stated his office would do all they could to provide support and assistance to all members of the Commission.

In Federal Fiscal Year '99 (FFY) the ODP Program, under the Department of Justice, first provided funding to Nevada. Nevada was asked by ODP to provide a Needs Assessment and Strategic Plan. The DEM worked with all local governments and counties to prepare the Needs Assessment, and that has developed into a three-year Strategic Plan for Nevada.

The state was awarded its first sum of money in the amount of \$547,000, and all but \$17,000 went to local government. The \$17,000 went to the Nevada National Guard. FFY '99 monies were received two years later in FFY '01.

The Governor appointed the DEM as the State Administrative Agency (SAA). The DEM is the state Point of Contact for FEMA and ODP Homeland Security funding. Their responsibilities include preparing and submitting applications, preparing and submitting

all program financial reports, and overseeing program financial audits. They also prepare and review sub grant applications to ensure compliance with grant criteria. The grant criteria changes each fiscal year, they must comply with that particular grant cycle in that particular grant year. (Ex: FFY '03 grant criteria extremely different than that in FFY '99).

Vice Chairman Keller asked Mr. Siracusa if there was a formula for grant distribution either by population or by quality of the grant proposal. Mr. Siracusa explained that the current policy, as established by the previous Grant Committee, was to look primarily at the needs. There was no focus on population or any other criteria.

Vice Chairman Keller asked if the Commission could work with DEM to allocate equal distribution of grant funds to every part of Nevada. Mr. Siracusa suggested the Commission come up with criteria they can use in fund allocation.

In FFY '00 and FFY '01 the state received \$1,275,000. Those monies were strictly allocated to local government. In FFY '03 the state received \$3,693,000. A percentage of those dollars were made available to state government and administrative costs of state government to allow DEM, as the SAA, money to provide administrative oversight needed to manage those programs.

The Federal funding formula states that a minimum of 80% of the total received funds must be distributed to local government. The remaining 20% can stay with state government for state agency first response.

FY '03 Phase I received funding in the amount of \$6,711,000. This figure was calculated by the Federal Government's base funding formula, which applies .75 of the total Federal allocation, as well as looks at the state's population. This formula currently looks at the state population and does not consider other variables such as tourist population.

FY '03 Phase II monies were \$17,935,000 in total. Mr. Siracusa provided a spreadsheet handout, which showed the breakdown of all local jurisdictions. A survey of local government, as to the best way to disburse funds, was conducted in the early stages of money receipt (i.e. FFY'99). The Division of Emergency Management requested that the Governor appoint a body to objectively look at the best allocation of those dollars.

DEM also merged FEMA terrorism-training dollars with ODP equipment dollars to put programs into place, which are currently in operation now. DEM created the committee on Weapons of Mass Destruction, the first of its kind in the U.S. Mr. Siracusa stated that his office has received over \$6,000,000 in requests from various state agencies and Carson City.

The Division of Emergency Management, the Governor, and the Homeland Security Advisor determined that Carson City would be treated as a quasi-state agency due to

the fact that Carson City has first responder charge within the capital for the Capital Complex, the Supreme Court, and the Legislative Building. Carson City, under the direction of the Governor's office, was to be removed from the 80% local portion and instead included in the 20% state side to provide them with the necessary responses and capabilities they needed. As he now has completed applications from Carson City and various state agencies with First Responder capabilities, Siracusa has requested the assistance of the Commission in proceeding with the funds distribution. He explained they have a 45-day turn around on two of the grant cycles that include those dollars for the state agencies and Carson City. Because they are down to the wire to make the awards to the state agencies, Mr. Siracusa asked the Commission for direction with regard to making those awards. He asked if the Commission wanted to create a sub-committee to review the applications based on criteria the Commission established or if the Commission wanted the applications to be distributed based on the Division's review.

Chairman Bussell asked for questions or comments. Sheriff Young questioned Siracusa about '04 dollars, but said he would wait until Mr. Siracusa addressed that issue later in the meeting.

Commissioner Hadfield said he favored allowing the DEM to go forward with the grants, as the Commission will obviously be looking at the grant criteria in the future. Also, in the future, grant applicants will know the expected grant criteria and can adjust their applications accordingly. Commissioner Hadfield was in favor of allowing grant approval at this time.

Commissioner Kimberly Mc Donald asked Mr. Siracusa about the local government survey, the distribution formula, and the survey outcome. Mr. Siracusa said that the FY '99 survey was to determine through which body in the local government they wanted to fund the money.

Commissioner Maureen Peckman commented that since the survey in '99, the priorities of the state and country have changed due to 9-11. She asked Mr. Siracusa, if in his opinion, he believed any new priorities had been created since 9-11 and if there are new priorities to consider, she asked if perhaps the funding should be re-appropriated to other areas of greater urgency. Mr. Siracusa explained that Nevada is in the process of doing a state Needs Assessment for ODP, which must be submitted to ODP prior to December 31, 2003. As a result of this assessment there will be an assessment done to produce a State Strategic Plan. Starting FY '04, all future funding will have to follow the State Strategic Plan and will have to meet the goals and objectives as identified in the needs assessments.

FY '99 was the first federal fiscal year DEM was told of monies. The monies were not received until FY '01. They then received FY '00, FY '01, FY '02 and FY '03 Phase I money all within an 11-month time period. Each one of those grants had its own grant criteria.

Mr. Siracusa explained that the grant applications being discussed during this meeting were based on the current new assessment just completed by the state agencies.

Commissioner Dale Carrison asked how much money was to be distributed. Siracusa said approximately \$5,000,000. Commissioner Carrison stated that he did not want to hold up the distribution of funds, but he felt the Commission was formed for a reason and he said he would like to know how the money is being distributed before making any decision. He would like to see how things are going to be allocated to the various agencies and feels that is important to him as a Commission member.

Commissioner Robert Fisher expressed concern regarding the function of the Commission. He is unclear about the powers the Commission does or does not have and whether the Commission is advisory or regulatory. Chairman Bussell feels the Commission is currently an advisory Commission and could advise Mr. Siracusa. If Mr. Siracusa feels comfortable with that then he could go forward with the distributing of funds and Mr. Siracusa said that would be fine.

Commissioner Young asked if the Commission was being requested to replace the previous grants that were formerly handled by the Grants Sub-Committee and Mr. Siracusa said it has always been the preference of the DEM, acting as the SAA, to have an outside objective body, comprised of experts, to review the grant applications and to establish priorities above those required by ODP. (For FY '04, ODP requires applicants to follow state's strategy as identified in the assessments.)

Commissioner Young also expressed concern for an imbalance in the previous 12-member committee as only one member was represented by Clark County. He understands that one goal of the Commission is to establish a broad, statewide perspective to ensure an accurate review of the grants, however only one person from law enforcement was part of the former committee. Commissioner Young said Mr. Siracusa is on the right track; however, the Commission needs to take an active role in advising where the dollars should go once the counties submit their applications.

Senator Nolan was under the impression that Chairman Bussell was leaning toward Commissioner Hadfield's recommendation to allow the new Commission to move forward with the grants already within the 45-day time period and to assemble a sub-committee to understand the intricacies and politics that coincide with the receiving and disseminating of monies.

Senator Nolan also suggested that the Hatch Act raises a new level about disseminating funds that are going to benefit agencies – agencies which members of this Commission might be involved with that will be responsible for spending that grant money. He further cautioned that the Commission be careful with the recommendation to go ahead, but he felt the Commission should come back to formulate a way to approach this for future funds.

Commissioner Hadfield made a motion, at the request of Chairman Bussell, to allow the DEM to award funds to state agencies and Carson City (20%) and also to allow DEM to continue with the current requests submitted under previous guidelines and suggested that the Commission establish a new procedure set forth by the previous Homeland Security Grant Committee. Commissioner Young seconded the motion and the motion was passed unanimously.

Mr. Siracusa thanked the Chairman and Commission members and then informed them that DEM had just received the guidelines for '04 grant monies. Three programs will be included in the '04 funding allocation:

- State Homeland Security Program: Nevada has been awarded \$20,147,000 for the program. 3% of the monies will be used for state administrative overhead.

- Law Enforcement Terrorism Prevention Program: Nevada will be awarded \$5,978,000 for the program. These monies will go to state and local law enforcement agencies for prevention and detection.

- Citizen Corp Program: Nevada will be given \$418,000.

For '04 funding Nevada has been awarded \$26,543,000. State agencies have 30 days to submit their application to ODP. States will not be allowed to draw down any of those dollars until ODP has received and approved the new state assessments and state strategy. A notice of Grant Award should be received sometime after the first of the year and the DEM will then have 60 days to disperse monies to local governments.

Mr. Siracusa requested the Commission provide guidance as to the determination of how to allocate the funds, such as will they be based on population, a formula the Governor supports? He provided a sample handout that strictly used a population-based formula to show the breakdown of the distributions. He requested the Commission create a sub-committee who would review the applications. Vice Chairman Keller asked if the state had already made the applications for the three grants. He also inquired if the DEM had projected the date the Commission or sub-committee of the Commission should meet to establish priorities for the population-based formula. Mr. Siracusa said the DEM would then be allowed 60 days to encumber the '04 funds, but he felt that within the next couple of months the Commission or Commission sub-committee would need to meet.

Commissioner Young noted some discrepancies in relation to population based projections and action grant totals. The Division's Financial Officer/Deputy Director, Kamala Carmazzi, provided a brief explanation.

Commissioner Mayberry asked if the method in which the state receives its funds would continue to be through Local Emergency Planning Committee (LEPC) and Mr. Siracusa feels that policy will need to be determined by the Commission.

Commissioner Mayberry raised an issue because there will be instances where discussions might be sensitive and made private and he feels problems will arise if LEPC's are used as the only mechanism to determine funding. Mr. Myler explained the Commission would be considering documents that were classified by the Governor as

being security-sensitive. He was not sure if it was possible to distinguish between LEPC's and another format. Commissioner Mayberry brought up a scenario that should the city of Henderson want to submit for things they felt were document sensitive and needed these things to be discussed in private within the Commission, there would be no way that could come through the LEPC, as their meetings are public meetings. He asked if that would be a conflict if LEPC's are the only mechanism to get to the Commission. Mr. Myler said that would create a conflict. The Commission can hold closed meetings due to security-sensitive documents, and perhaps that rule can be extended to all LEPC's. Chairman Bussell said as the Commission proceeds it may want to address the strengths and weaknesses of the LEPC's.

Vice Chairman Keller stated that with receipt of federal funds to protect our citizens, there should be some consideration of the populated areas, as well as the realization of vulnerabilities in the state. Mr. Keller said the Commission would need to delineate roles for the public and private organizations and establish a system to measure the usefulness and/or success of what the grants enable a government or entity to do more of, rather than supplanting their regulatory budgetary process. It is important to recognize other needs that should be established within the network of safety for Homeland Security. With regard to LEPC's, they have served their purpose in the past; however, there is a need to examine not only the threats and vulnerabilities within the state, but also the element of risk attached to those vulnerabilities. The Commission will need to keep their focus on the vulnerabilities and the real threats, not the perceived threats, so the funds can be used for the most common good for Nevada.

Commissioner Mayberry echoed Vice Chairman Keller's remarks and said he appreciates the make-up of the Commission. Commissioner Hadfield concurred with the previous comments, adding that he is cognizant of the need to be careful that no unfunded mandates are placed on any size government.

Commissioner Dale Carrison commented on Vice Chairman Keller's assessment of the medical system and said it is important for the Commission to recognize the current no-surge capacity.

Commissioner Giles Vanderhoof commented that Federal funding couldn't be solely based on population formulas or individual criteria. He suggested a subcommittee be set up to look into this and report back to the Commission so the Commissioners can ask questions and make informed decisions. Chairman Bussell agreed.

Mr. Siracusa said he and his staff would be willing to meet with any Commission members, at their convenience, to discuss further details, talk about programs, and to share ideas on how to disperse monies to the appropriate places. He reiterated that, as the State Administrative Agent, they should look at grant criteria to determine whether the monies go to local government, counties, tribal nations, etc. For example: with tribal nations, who receive 2% of the funds, they must decide whether if that 2% comes from state or local grant funds.

Commissioner Young felt that Chairman Bussell's mission for the Commission was very specific: the prevention and response to terrorist attacks. In his opinion, the Commission should not address radio systems or other shortcomings in the state, as those should be handled through the normal state budgetary process. Funds provided by Congress are intended to address the events of 9-11 and its aftermath, not mistakes made in state government along the way. Funding based on population, in his opinion, is logical and realistic with respect to every citizen having the same value in the state. As Sheriff of Clark County he plans to voice his concerns in the Commission so that every citizen gets his equitable share. He also pointed out that certain counties have a high volume of tourists and these numbers are not counted in the population-based formula, but should be taken into consideration.

Chairman Bussell requested a ten-minute break and asked the Commission members return to their seats by 1:15 p.m. The meeting was called back to order at 1:27 p.m.

AGENDA ITEM #5: **NEVADA COMMUNICATIONS STEERING COMMITTEE
HISTORY, CURRENT STATUS, AND FUTURE PLANS,
MR. TERRY SAVAGE, CHIEF INFORMATION OFFICER/
DIRECTOR OF THE NEVADA DEPARTMENT OF
INFORMATION TECHNOLOGY**

Mr. Terry Savage introduced himself and provided a handout on the background of the Nevada Communications Steering Committee. He said the public has only become aware of incompatibility issues following the events of 9-11. The problem of radio incompatibility has grown over the last 30 years, with millions of dollars in incompatible equipment in current existence. He stated the system has to be changed, however it will need careful review.

The Communications Steering Committee has three functions. It served as a Steering and Communications Committee for Nevada state agencies. State agencies have not communicated with each other regarding interoperability issues. Agencies such as the Department of Public Safety, the Nevada Department of Transportation, the Nevada Department of Information Technology, the Department of Administration, and the Governor's office are working together to solve these issues.

The Committee received authority from the FCC for additional radio frequency spectrum in the 700 megahertz band in 2002 and the Committee satisfied two requirements to obtain the authority: the designation of a spectrum administrator for the state (Mr. Savage serves in that capacity) and establishment of a State Executive Interoperability Council (the members of the Nevada Communications Steering Committee also serve in that capacity). The council will look at how to allocate 700 megahertz spectrums. The Nevada Communications Steering Committee worked on Homeland Security related issues. The committee's approach was to ensure no one's needs were left behind. The Committee is comprised of senior technical users and representatives from the user communities. Their intent is to review the requirements and look at the required technical constraints, and based on those, they are to find the architectural

configuration for possible solutions. Their goal will be to develop a few alternative plans to present to the Commission for their review. Mr. Savage said a transition plan would need to be defined explaining the transition path and the problems they might encounter. Mr. Savage agreed with Commissioner Hadfield that they do not want any unfunded mandates.

The possibility of budgetary constraints exists. Budgetary decisions will need to be made by the state by the middle of next summer and by no later than next year for incorporation into the Governor's budget. If the draft is completed by July 1, 2005, there will be time for all the stakeholders to review it and make revisions. It would also leave enough time to be incorporated into the '06-'07 budget. A definition of the requirements and problems must be established before solutions can be implemented.

Currently they are operating under the assumption that the Committee has to improve the interoperability over what is already in place and it has to be done within the technical and economic constraints that exist. There must be a very broad consensus among the users or the plan will not work.

Commissioner Hadfield asked if the Communications Steering Committee was one of the Committees that disappeared when the Governor appointed the new Homeland Security Commission. Mr. Savage explained it was a confusing situation because they had multiple charters; however, his group would be happy to continue the work they have started. They would also be available to present their findings and information to the Commission as an advisory group.

Vice Chairman Keller asked Mr. Savage to provide an example of the wide range of radios that need to be prioritized. Mr. Savage gave an example of a lone firefighter or group in the middle of no-where who might need to talk to someone for help to safety. Part of the transition discussion will be defining needs in terms of importance. The committee will identify all of the needs, but determining their importance will be a political rather than a technical decision. Vice Chairman Keller would like to know that an ultimate, state-wide solution is being pursued in the interim, as he feels waiting 10-12 years for something to happen is too long. He asked if the committee would be looking at smaller architectures that can come together by using multiple radio sets to provide a communication interoperability solution. The committee will be looking at methods to deal with the most important interoperability issues and to deal with them as early in the transition as possible.

Commissioner John Alamshaw asked Mr. Savage to define minimal inoperability by July 1, 2005 and what would they provide and Mr. Savage said July 1, 2005 is the date they are striving to have a plan in place. Currently the Nevada Highway Patrol can talk to the locals but cannot talk to the Department of Transportation. On or before July 1, 2005 they will be able to talk to both. Mr. Savage foresees many changes between now and when the plan and budget are in place.

Assemblyman Horne asked for an explanation of the assessment of Nevada's current state on communications. He also asked if Mr. Savage anticipated Nevada exceeding its received funds. Mr. Savage addressed two issues: the funding available for the NHP/NDOT situation will meet the current plan. The larger question of what is needed to achieve a reasonable degree of interoperability within Nevada has to do with what the Commission sets as its highest priorities. Until all the needs are identified and the requirement study is completed, the size of the gap cannot be quantified. Also the extent to which the Federal government gets aggressive about interoperability issues is unknown.

Commissioner Mc Donald asked for clarification about contentious elements raised during the last legislative session about Motorola's communications contract and its impact on the state. Mr. Savage explained that there is an on-going investigation being performed on that subject and that he is not directly involved in that investigation. One of the biggest issues was that state agencies and agencies statewide were not talking to each other and not working together to evaluate the different options to make decisions on the right course of action. They have already corrected that and are now working with the Communications Steering Committee to correct that statewide.

Mr. Mark Blomstrom, Deputy Director of the Nevada Department of Information Technology, introduced himself and provided a brief status and update on the Department of Public Safety Migration effort. Senate Bill 499 authorized \$16.5 million to the Interim Finance Committee to migrate the Department of Public Safety from the 150 unlicensed system to the legally compliant NDOT 800 megahertz system. By February 2004, Nevada should be legally compliant with state FCC regulations and a year from now they will be completely migrated with DPS.

Commissioner Peckman expressed concern for compatibility of systems between states in the event of an incident that took out a substantial part of the population. She asked what the state's ability was to latch onto a sister state's radio system if they were compatible, should the need arise for additional resources? Mr. Savage said that answers at the borders would require different answers than the state, but they are in the early stages of investigation regarding this.

Senator Nolan noted that there has not been a situation where individuals have attempted to disrupt or destroy sensitive communications equipment. He asked if Mr. Savage and his committee have looked into the aspect of protecting the infrastructure of our communications systems. Two years ago Mr. Savage started the State IT Security Committee, which looked at network communications and a range of security issues. The IT Security Unit was a new initiative successfully funded through the past legislative session. Because the resources they have for those security tasks are extremely limited, they are developing creative relationships with agencies to address such security issues.

Commissioner Fisher commented that the State Broadcasters Association has brought to the attention of the Federal government the reality of what exists and what does not. The “Amber Alert” program has forced states to clean up their emergency alert system.

Commissioner Lipscomb asked if Mr. Savage wanted to form a committee to determine needs, and if so, is there a timeframe for the committee. He said the committee has already been formed, but they are trying to get a grant to supplement the committee work with an independent consultant to help with a needs assessment. He hopes to have the needs assessment done by the April time frame, but it depends on when the grant monies materialize. Commissioner Lipscomb asked about the current communication system equipment and Mr. Savage said an inventory was started last month of all the state systems and equipment. They do not have a centralized state database listing all the state’s communication equipment, however they are working on that. He noted that before a solution can be proposed, a starting place must be identified, and they are not there yet.

AGENDA ITEM #6: **DISCUSSION REGARDING FORMATION OF POSSIBLE SUB-COMMITTEES AND CHAIRS TO THE SUB-COMMITTEES**

Ms. Marva Johnson, at Chairman Bussell’s request, provided each Commissioner with a list of possible sub-committees and Chairman Bussell explained the list only contained recommendations. Each Commissioner was asked to list the top three sub-committees they wish to serve on and Vice Chairman Keller and Chairman Bussell will make final determinations. They will then come before the whole Commission to ask for approval of their selections in compliance with AB 441. The Commission will also determine who will chair those sub-committees and that chairman can ask for technical assistance and other individuals to serve on that sub-committee.

Commissioner Fisher asked Chairman Bussell to read the list aloud before the general public. The suggested sub-committee list was as follows:

- *By-Laws and Legislative, Compliance and Administrative (function: evaluation of closed meetings, Commission revenue, and examination of AB 250 section 21 regarding hotels)

- *Communications, Computer Systems, Interoperability and E-911 as specified in AB 250, section 17 subsection 6.

- *-Emergency Response and Preparedness, Continuity of Government, AB 441 section 26.

- *Finance and Grants (responsibility: obtaining and distributing funding)

- *Government Identification- i.e. driver’s license (will work closely with DMV, AB 441, section 34.

- *Utilities and Critical Infrastructure, AB 441, section 27 and also Health AB 441 inclusive and AB 250, sections 28, 29, 30.

- *Intelligence (responsibility: collect, share, analyze information)

- *Public Information, Public Awareness (Threats, Vulnerabilities, Risks), facilities Assessments and Preparedness

*Law Enforcement and Security, Cyber-Terrorism

Because of questions from Commissioner Vanderhoof and Vice Chairman Keller, Chairman Bussell restated that Government Identification and Utilities and Infrastructure were two separate committees. He did not include the two together nor did he mean to imply that. Vice Chairman Keller asked each member to add utility/infrastructure to the suggested sub-committee list. Commissioner Knowlton, interested in Intelligence, suggested that Threat, Vulnerability, and Risk could fit better under intelligence and its sub-committee instead of Public Information/Public Awareness and Chairman Bussell agreed. Commissioner Knowlton also recommended Government identification be combined with law enforcement and security.

Chairman Bussell asked for further discussion and requested the members mark their top three sub-committee choices. Vice Chairman Keller asked the Commissioners to write down on their papers additional sub-committees they think necessary and also to write their names on the papers. The Commissioners returned their sheets to Ms. Johnson, at the direction of Chairman Bussell.

AGENDA ITEM #7: **PUBLIC COMMENT**

Commissioner Fisher asked Chairman Bussell about a time limit for comment brought before the Commission. Chairman Bussell stated he would establish a 3-minute limit if there was a significant number of people requesting to speak during Public Comment.

Chairman Bussell said there was concern as to whether or not casinos/resorts had complied with AB 250 and submitted their emergency plans. Although an oversight, he felt it was the Commission's responsibility to address this publicly. He also felt a need to discuss the Commission's implied tasks versus specified tasks and requested member discussion.

Senator Nolan felt the Commission collectively agreed that, at this time, their advisory capacity would not allow them to do that. He did not feel there is anything to prevent the Commission from providing some sort of direction to the Governor, State Emergency Response Commission, or LEPC's.

Commissioner Mayberry suggested that it might be appropriate to get clarification from the Attorney General on the Commission's being advisory vs. regulatory and suggested that be an agenda item to be discussed at the next meeting. Commissioner Vanderhoof agreed and said he feels it is clear that the Commission has some responsibilities in these areas, and it is not just advisory.

Mr. Myler stated the problem has brought forth the need for a legislative committee to review both legislations (AB 441 and AB 250) and to devise criteria to determine if the Commission is regulatory or advisory. An advisory Commission would not be able to tell casinos what they must do. A regulatory Commission, however, would be able to do that. Chairman Bussell noted this topic is to be placed on the agenda for next meeting.

He requested Commissioners Young, Balaam, Mayberry, Brenner, Carlini, and Hadfield to examine this issue thoroughly and provide a report for discussion at the next meeting. According to Chairman Bussell, defining the Commission as regulatory/advisory would be the first step taken to clarify the Commission's responsibilities.

Mr. Dick Mirgon introduced himself as the Director of Communications for Emergency Management in Douglas County and also a co-chair of the Homeland Security Committee the Commission is replacing. The previous committee allocated funding by looking at the intent of the Federal government for the dollars, which was to protect lives, and the committee felt the best way to protect lives was to look at needs. The biggest threat to Nevada economically was Clark County. If Clark County came before the committee and demonstrated a need, they could have gotten all the money to protect lives. The committee was structured to represent organizations and state agencies, sheriffs, police chiefs, fire chiefs, etc. and the group, as a whole, looked collectively at needs. Mr. Mirgon encouraged the Commission to consider needs, because although need is acknowledged, an examination of Federal allocation to the states shows dispersement based on population.

Chairman Bussell thanked Mr. Mirgon for his hard work with the former Grant Sub-Committee and praised his efforts.

Assemblyman Horne wanted to bring to the Commission's attention funding set aside for Tribal Nations from the Office of Domestic Preparedness. He questioned why state funds were allocated to Tribal Nations when they should be receiving funds directly from the Federal government. Mr. Siracusa explained the procedural change and how the state is required to disperse monies to the Tribal Nations. The new procedures are in place due to past abuses, and now funding is set up as a type of reimbursement grant allocation. Mr. Siracusa noted one problem: if the Tribal Nations do not comply with DEM's request to do something in the area of interoperability, there is nothing the state can do except petition Congress to make them comply. Assemblyman Horne stated that the Tribal Nations are considered Sovereign Nations and they cannot be forced, except by Congress, to do anything. Mr. Siracusa said that prior to '03 funding, the Tribal Nations were not included in the allocations to the state. Congress then decided that the funding would come through the states because the Tribal Nations would be treated like a local government. Due to possible abuse of funding and no recourse if that happened, the Division of Emergency Management, as the State Administrative Agency, established a policy to provide funding on a reimbursement basis. If a local government or Tribal Nation cannot front the money, they will be required to provide a purchase order so that the SAA can track their activity to ensure the money is being spent properly. Assemblyman Horne asked if local governments would follow the same procedure and Mr. Siracusa said that procedure has been outlined, however, some local government may not have cash outlay and can, in its place, present a purchase order as proof they are going to purchase that item and the SAA will fund them for that. In this manner SAA can maintain accountability for the dollars.

AGENDA ITEM #8: **SCHEDULING OF FUTURE MEETING DATES**

Chairman Bussell requested discussion regarding the next meeting date. Commissioner Fisher suggested that the sub-committees possibly meet before the next meeting. Chairman Bussell said that per AB 441 section 18, the full Commission must vote on the approval of the subcommittees. Because the Commission is required to submit a report to the Legislature in February 2005, Vice Chairman Keller suggested the Commission back up from January 2005 on a quarterly basis, making the next meeting in January 2004. He suggested a date in January be established and then quarterly meetings scheduled from that point forward.

Vice Chairman Keller made a motion to meet on the first Thursday of January 2004 and quarterly thereafter. He asked for the Commission Secretary to publish those dates as soon as they all are confirmed. Commissioner Mayberry seconded the motion and noted that the first Thursday in January is New Year's Day. It was decided to hold the next meeting on Thursday, January 8, 2004.

Commissioner Young suggested that since both Northern and Southern Commissioners would be working on some of the same sub-committees, that the Commission plan one whole day for sub-committee meetings before or after the regularly scheduled Commission meetings and arrange for travel to either the North or South, if necessary. Chairman Bussell agreed with that idea. The motion was voted and unanimously agreed upon. The next meeting of the Nevada Homeland Security Commission will be on January 8, 2004.

AGENDA ITEM #9: **ADJOURNMENT**

Chairman Bussell asked for a motion to adjourn. Commissioner Hadfield so moved. The meeting adjourned at 2:33 p.m.